

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Code of Criminal Procedure  
Chapter 19A  
5/9/18

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13	CHAPTER 19A. GRAND JURY ORGANIZATION		
14	SUBCHAPTER A. GENERAL PROVISIONS		
15	<u>Revised Law</u>		
16	Art. 19A.001.	DEFINITIONS. In this chapter:	
17	(1)	"Array" means the whole body of persons summoned	
18		to serve as grand jurors before the grand jurors have been	
19		impaneled.	
20	(2)	"Panel" means the whole body of grand jurors.	
21		(Code Crim. Proc., Arts. 19.28, 19.29 (part).)	
22	<u>Source Law</u>		
23	Art. 19.28.	"ARRAY". By the "array" of grand	
24		jurors is meant the whole body of persons summoned to	
25		serve as such before they have been impaneled.	
26	Art. 19.29.	. . . By "panel" is meant the whole	
27		body of grand jurors.	
28	SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS		
29	<u>Revised Law</u>		
30	Art. 19A.051.	SELECTION AND SUMMONS OF PROSPECTIVE GRAND	
31	JURORS.	(a) The district judge shall direct that the number of	
32		prospective grand jurors the judge considers necessary to ensure an	
33		adequate number of grand jurors under Article 19A.201 be selected	
34		and summoned, with return on summons.	
35	(b)	The prospective grand jurors shall be selected and	
36		summoned in the same manner as for the selection and summons of	

1 panels for the trial of civil cases in the district courts.

2 (c) The judge shall test the qualifications for and excuses  
3 from service as a grand juror and impanel the completed grand jury  
4 as provided by this chapter. (Code Crim. Proc., Art. 19.01.)

5 Source Law

6 Art. 19.01. SELECTION AND SUMMONS OF  
7 PROSPECTIVE GRAND JURORS. The district judge shall  
8 direct that the number of prospective grand jurors the  
9 judge considers necessary to ensure an adequate number  
10 of jurors under Article 19.26 be selected and  
11 summoned, with return on summons, in the same manner as  
12 for the selection and summons of panels for the trial  
13 of civil cases in the district courts. The judge shall  
14 try the qualifications for and excuses from service as  
15 a grand juror and impanel the completed grand jury as  
16 provided by this chapter.

17 Revisor's Note

18 Article 19.01, Code of Criminal Procedure, refers  
19 to trying the qualifications of a prospective grand  
20 juror. Throughout this chapter, the revised law  
21 substitutes "test" for "try" for clarity and  
22 consistency in the terminology used within the chapter  
23 and because the terms are synonymous.

24 Revised Law

25 Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the  
26 sheriff to summon grand jurors, the court shall instruct the  
27 sheriff to not summon a person to serve as a grand juror who does not  
28 possess the qualifications prescribed by law. (Code Crim. Proc.,  
29 Art. 19.20.)

30 Source Law

31 Art. 19.20. TO SUMMON QUALIFIED PERSONS. On  
32 directing the sheriff to summon grand jurors, the  
33 court shall instruct the sheriff that the sheriff must  
34 not summon any person to serve as a grand juror who  
35 does not possess the qualifications prescribed by law.

36 Revised Law

37 Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a)  
38 If fewer than 16 persons summoned to serve as grand jurors are found  
39 to be in attendance and qualified to serve, the court shall order  
40 the sheriff to summon an additional number of persons considered  
41 necessary to constitute a grand jury of 12 grand jurors and four

1 alternate grand jurors.

2 (b) The sheriff shall summon the additional prospective  
3 grand jurors under Subsection (a) in person to attend before the  
4 court immediately. (Code Crim. Proc., Arts. 19.18, 19.19.)

5 Source Law

6 Art. 19.18. IF LESS THAN SIXTEEN ATTEND. When  
7 less than sixteen of those summoned to serve as grand  
8 jurors are found to be in attendance and qualified to  
9 so serve, the court shall order the sheriff to summon  
10 such additional number of persons as may be deemed  
11 necessary to constitute a grand jury of twelve persons  
12 and four alternates.

13 Art. 19.19. JURORS TO ATTEND FORTHWITH. The  
14 jurors provided for in Article 19.18 shall be summoned  
15 in person to attend before the court forthwith.

16 Revised Law

17 Art. 19A.054. FAILURE TO ATTEND. The court, by an order  
18 entered on the record, may impose a fine of not less than \$100 and  
19 not more than \$500 on a legally summoned grand juror who fails to  
20 attend without a reasonable excuse. (Code Crim. Proc., Art. 19.16.)

21 Source Law

22 Art. 19.16. ABSENT JUROR FINED. A juror legally  
23 summoned, failing to attend without a reasonable  
24 excuse, may, by order of the court entered on the  
25 record, be fined not less than \$100 nor more than \$500.

26 SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

27 Revised Law

28 Art. 19A.101. GRAND JUROR QUALIFICATIONS. A person may be  
29 selected or serve as a grand juror only if the person:

- 30 (1) is at least 18 years of age;
- 31 (2) is a citizen of the United States;
- 32 (3) is a resident of this state and of the county in  
33 which the person is to serve;
- 34 (4) is qualified under the constitution and other laws  
35 to vote in the county in which the grand jury is sitting, regardless  
36 of whether the person is registered to vote;
- 37 (5) is of sound mind and good moral character;
- 38 (6) is able to read and write;
- 39 (7) has not been convicted of misdemeanor theft or a  
40 felony;

1           (8) is not under indictment or other legal accusation  
2 for misdemeanor theft or a felony;

3           (9) is not related within the third degree by  
4 consanguinity or second degree by affinity, as determined under  
5 Chapter 573, Government Code, to any person selected to serve or  
6 serving on the same grand jury;

7           (10) has not served as a grand juror in the year before  
8 the date on which the term of court for which the person has been  
9 selected as a grand juror begins; and

10          (11) is not a complainant in any matter to be heard by  
11 the grand jury during the term of court for which the person has  
12 been selected as a grand juror. (Code Crim. Proc., Art. 19.08.)

13                               Source Law

14           Art. 19.08. QUALIFICATIONS. A person may be  
15 selected or serve as a grand juror only if the person:

- 16                   (1) is at least 18 years of age;  
17                   (2) is a citizen of the United States;  
18                   (3) is a resident of this state, and of the  
19 county in which the person is to serve;  
20                   (4) is qualified under the Constitution  
21 and laws to vote in the county in which the grand jury  
22 is sitting, regardless of whether the person is  
23 registered to vote;  
24                   (5) is of sound mind and good moral  
25 character;  
26                   (6) is able to read and write;  
27                   (7) has not been convicted of misdemeanor  
28 theft or a felony;  
29                   (8) is not under indictment or other legal  
30 accusation for misdemeanor theft or a felony;  
31                   (9) is not related within the third degree  
32 of consanguinity or second degree of affinity, as  
33 determined under Chapter 573, Government Code, to any  
34 person selected to serve or serving on the same grand  
35 jury;  
36                   (10) has not served as grand juror in the  
37 year before the date on which the term of court for  
38 which the person has been selected as grand juror  
39 begins; and  
40                   (11) is not a complainant in any matter to  
41 be heard by the grand jury during the term of court for  
42 which the person has been selected as a grand juror.

43                               Revised Law

44           Art. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE GRAND  
45 JURORS. (a) When at least 14 persons summoned to serve as grand  
46 jurors are present, the court shall test the qualifications of the  
47 prospective grand jurors to serve as grand jurors.

48           (b) Before impaneling a grand juror, the court or a person

1 under the direction of the court must interrogate under oath each  
2 person who is presented to serve as a grand juror regarding the  
3 person's qualifications.

4 (c) In testing the qualifications of a person to serve as a  
5 grand juror, the court or a person under the direction of the court  
6 shall ask:

7 (1) "Are you a citizen of this state and county, and  
8 qualified to vote in this county, under the constitution and laws of  
9 this state?";

10 (2) "Are you able to read and write?";

11 (3) "Have you ever been convicted of misdemeanor theft  
12 or any felony?"; and

13 (4) "Are you under indictment or other legal  
14 accusation for misdemeanor theft or for any felony?". (Code Crim.  
15 Proc., Arts. 19.21, 19.22, 19.23.)

16 Source Law

17 Art. 19.21. TO TEST QUALIFICATIONS. When as  
18 many as fourteen persons summoned to serve as grand  
19 jurors are in attendance upon the court, it shall  
20 proceed to test their qualifications as such.

21 Art. 19.22. INTERROGATED. Each person who is  
22 presented to serve as a grand juror shall, before being  
23 impaneled, be interrogated on oath by the court or  
24 under his direction, touching his qualifications.

25 Art. 19.23. MODE OF TEST. In trying the  
26 qualifications of any person to serve as a grand juror,  
27 that person shall be asked:

28 1. Are you a citizen of this state and county,  
29 and qualified to vote in this county, under the  
30 Constitution and laws of this state?

31 2. Are you able to read and write?

32 3. Have you ever been convicted of misdemeanor  
33 theft or any felony?

34 4. Are you under indictment or other legal  
35 accusation for misdemeanor theft or for any felony?

36 Revised Law

37 Art. 19A.103. QUALIFIED GRAND JURORS ACCEPTED. If, by the  
38 person's answer, it appears to the court that the person is a  
39 qualified grand juror, the court shall accept the person as a grand  
40 juror unless it is shown that the person:

41 (1) is not of sound mind or of good moral character; or

42 (2) is in fact not qualified to serve as a grand juror.

43 (Code Crim. Proc., Art. 19.24.)



1 (b) The following qualified persons may be excused from  
2 grand jury service:

3 (1) a person older than 70 years of age;

4 (2) a person responsible for the care of a child  
5 younger than 18 years of age;

6 (3) a student of a public or private secondary school;

7 (4) a person enrolled in and in actual attendance at an  
8 institution of higher education; and

9 (5) any other person the court determines has a  
10 reasonable excuse from service. (Code Crim. Proc., Art. 19.25.)

11 Source Law

12 Art. 19.25. EXCUSES FROM SERVICE. Any person  
13 summoned who does not possess the requisite  
14 qualifications shall be excused by the court from  
15 serving. The following qualified persons may be  
16 excused from grand jury service:

17 (1) a person older than 70 years;

18 (2) a person responsible for the care of a child  
19 younger than 18 years;

20 (3) a student of a public or private secondary  
21 school;

22 (4) a person enrolled and in actual attendance  
23 at an institution of higher education; and

24 (5) any other person that the court determines  
25 has a reasonable excuse from service.

26 SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

27 Revised Law

28 Art. 19A.151. ANY PERSON MAY CHALLENGE. (a) Before the  
29 grand jury is impaneled, any person may challenge the array of grand  
30 jurors or any person presented as a grand juror. The court may not  
31 hear objections to the qualifications and legality of the grand  
32 jury in any other way.

33 (b) A person confined in jail in the county shall, on the  
34 person's request, be brought into court to make a challenge  
35 described by Subsection (a). (Code Crim. Proc., Art. 19.27.)

36 Source Law

37 Art. 19.27. ANY PERSON MAY CHALLENGE. Before  
38 the grand jury has been impaneled, any person may  
39 challenge the array of jurors or any person presented  
40 as a grand juror. In no other way shall objections to  
41 the qualifications and legality of the grand jury be  
42 heard. Any person confined in jail in the county shall  
43 upon his request be brought into court to make such  
44 challenge.



1 Revised Law

2 Art. 19A.152. CHALLENGE TO ARRAY. (a) A challenge to the  
3 array may be made only for the following causes:

4 (1) that the persons summoned as grand jurors are not  
5 in fact the persons selected by the method provided by Article  
6 19A.051; or

7 (2) that the officer who summoned the grand jurors  
8 acted corruptly in summoning any grand juror.

9 (b) A challenge to the array must be made in writing. (Code  
10 Crim. Proc., Art. 19.30.)

11 Source Law

12 Art. 19.30. CHALLENGE TO "ARRAY". A challenge  
13 to the "array" shall be made in writing for these  
14 causes only:

15 1. That those summoned as grand jurors are not  
16 in fact those selected by the method provided by  
17 Article 19.01; and

18 2. That the officer who summoned the grand  
19 jurors acted corruptly in summoning any one or more of  
20 them.

21 Revised Law

22 Art. 19A.153. CHALLENGE TO GRAND JUROR. (a) A challenge to  
23 a grand juror may be made orally for any of the following causes:

24 (1) that the grand juror is insane;

25 (2) that the grand juror has a defect in the organs of  
26 feeling or hearing, or a bodily or mental defect or disease that  
27 renders the grand juror unfit for grand jury service, or that the  
28 grand juror is legally blind and the court in its discretion is not  
29 satisfied that the grand juror is fit for grand jury service in that  
30 particular case;

31 (3) that the grand juror is a witness in or a target of  
32 an investigation of a grand jury;

33 (4) that the grand juror served on a petit jury in a  
34 former trial of the same alleged conduct or offense that the grand  
35 jury is investigating;

36 (5) that the grand juror has a bias or prejudice in  
37 favor of or against the person accused or suspected of committing an  
38 offense that the grand jury is investigating;

1           (6) that from hearsay, or otherwise, there is  
2 established in the mind of the grand juror a conclusion as to the  
3 guilt or innocence of the person accused or suspected of committing  
4 an offense that the grand jury is investigating that would  
5 influence the grand juror's vote on the presentment of an  
6 indictment;

7           (7) that the grand juror is related within the third  
8 degree by consanguinity or affinity, as determined under Chapter  
9 573, Government Code, to a person accused or suspected of  
10 committing an offense that the grand jury is investigating or to a  
11 person who is a victim of an offense that the grand jury is  
12 investigating;

13           (8) that the grand juror has a bias or prejudice  
14 against any phase of the law on which the state is entitled to rely  
15 for an indictment;

16           (9) that the grand juror is not a qualified grand  
17 juror; or

18           (10) that the grand juror is the prosecutor on an  
19 accusation against the person making the challenge.

20           (b) A challenge under Subsection (a)(3) may be made ex  
21 parte. The court shall review and rule on the challenge in an in  
22 camera proceeding. The court shall seal any record of the  
23 challenge.

24           (c) In this article, "legally blind" has the meaning  
25 assigned by Article 35.16(a). (Code Crim. Proc., Art. 19.31.)

26                               Source Law

27           Art. 19.31. CHALLENGE TO JUROR.       (a) A  
28 challenge to a particular grand juror may be made  
29 orally for any of the following causes:

- 30           1. That the juror is insane;  
31           2. That the juror has such defect in the organs  
32 of feeling or hearing, or such bodily or mental defect  
33 or disease as to render the juror unfit for jury  
34 service, or that the juror is legally blind and the  
35 court in its discretion is not satisfied that the juror  
36 is fit for jury service in that particular case;  
37           3. That the juror is a witness in or a target of  
38 an investigation of a grand jury;  
39           4. That the juror served on a petit jury in a  
40 former trial of the same alleged conduct or offense  
41 that the grand jury is investigating;

1           5. That the juror has a bias or prejudice in  
2 favor of or against the person accused or suspected of  
3 committing an offense that the grand jury is  
4 investigating;

5           6. That from hearsay, or otherwise, there is  
6 established in the mind of the juror such a conclusion  
7 as to the guilt or innocence of the person accused or  
8 suspected of committing an offense that the grand jury  
9 is investigating as would influence the juror's vote on  
10 the presentment of an indictment;

11           7. That the juror is related within the third  
12 degree by consanguinity or affinity, as determined  
13 under Chapter 573, Government Code, to a person  
14 accused or suspected of committing an offense that the  
15 grand jury is investigating or to a person who is a  
16 victim of an offense that the grand jury is  
17 investigating;

18           8. That the juror has a bias or prejudice  
19 against any phase of the law upon which the state is  
20 entitled to rely for an indictment;

21           9. That the juror is not a qualified juror; and

22           10. That the juror is the prosecutor upon an  
23 accusation against the person making the challenge.

24           (b) A challenge under Subsection (a)(3) may be  
25 made ex parte and shall be reviewed and ruled on in an  
26 in camera proceeding. The court shall seal any record  
27 of the challenge.

28           (c) In this article, "legally blind" has the  
29 meaning assigned by Article 35.16(a).

#### 30                           Revised Law

31           Art. 19A.154. DETERMINATION OF VALIDITY OF CHALLENGE. When  
32 a person challenges the array or a grand juror, the court shall hear  
33 proof and decide in a summary manner whether the challenge is well  
34 founded. (Code Crim. Proc., Art. 19.32.)

#### 35                           Source Law

36           Art. 19.32. SUMMARILY DECIDED. When a  
37 challenge to the array or to any individual has been  
38 made, the court shall hear proof and decide in a  
39 summary manner whether the challenge be well-founded  
40 or not.

#### 41                           Revised Law

42           Art. 19A.155. ADDITIONAL PROSPECTIVE GRAND JURORS SUMMONED  
43 FOLLOWING CHALLENGE. (a) If the court sustains a challenge to the  
44 array, the court shall order another grand jury to be summoned.

45           (b) If, because of a challenge to any particular grand  
46 juror, fewer than 12 grand jurors remain, the court shall order the  
47 panel to be completed. (Code Crim. Proc., Art. 19.33.)

#### 48                           Source Law

49           Art. 19.33. OTHER JURORS SUMMONED. The court  
50 shall order another grand jury to be summoned if the  
51 challenge to the array be sustained, or order the panel  
52 to be completed if by challenge to any particular grand

1 juror their number be reduced below twelve.

2 SUBCHAPTER E. IMPANELING OF GRAND JURY

3 Revised Law

4 Art. 19A.201. GRAND JURY IMPANELED. (a) When at least 16  
5 qualified grand jurors are found to be present, the court shall  
6 select 12 fair and impartial persons as grand jurors and 4  
7 additional persons as alternate grand jurors to serve on  
8 disqualification or unavailability of a grand juror during the term  
9 of the grand jury. The grand jurors and the alternate grand jurors  
10 must be randomly selected from a fair cross section of the  
11 population of the area served by the court.

12 (b) The court shall impanel the grand jurors and alternate  
13 grand jurors, unless a challenge is made to the array or to a  
14 particular person presented to serve as a grand juror or an  
15 alternate grand juror.

16 (c) A grand juror is considered to be impaneled after the  
17 grand juror's qualifications have been tested and the grand juror  
18 has been sworn. (Code Crim. Proc., Arts. 19.26(a), (b) (part),  
19 19.29 (part).)

20 Source Law

21 Art. 19.26. JURY IMPANELED. (a) When at least  
22 sixteen qualified jurors are found to be present, the  
23 court shall select twelve fair and impartial persons  
24 to serve as grand jurors and four additional persons to  
25 serve as alternate grand jurors. The grand jurors and  
26 the alternate grand jurors shall be randomly selected  
27 from a fair cross section of the population of the area  
28 served by the court.

29 (b) The court shall proceed to impanel the grand  
30 jury, unless a challenge is made, which may be to the  
31 array or to any particular person presented to serve as  
32 a grand juror or an alternate. In addition, the court  
33 shall impanel four alternates to serve on  
34 disqualification or unavailability of a juror during  
35 the term of the grand jury. . . .

36 Art. 19.29. "IMPANELED" AND "PANEL". A grand  
37 juror is said to be "impaneled" after his  
38 qualifications have been tried and he has been sworn.  
39 . . .

40 Revised Law

41 Art. 19A.202. OATH OF GRAND JURORS. The court or a person  
42 under the direction of the court shall administer the following  
43 oath to the grand jurors when the grand jury is completed: "You

1 solemnly swear that you will diligently inquire into, and true  
2 presentment make, of all such matters and things as shall be given  
3 you in charge; the State's counsel, your fellows and your own, you  
4 shall keep secret, unless required to disclose the same in the  
5 course of a judicial proceeding in which the truth or falsity of  
6 evidence given in the grand jury room, in a criminal case, shall be  
7 under investigation. You shall present no person from envy, hatred  
8 or malice; neither shall you leave any person unrepresented for love,  
9 fear, favor, affection or hope of reward; but you shall present  
10 things truly as they come to your knowledge, according to the best  
11 of your understanding, so help you God." (Code Crim. Proc., Art.  
12 19.34 (part).)

13 Source Law

14 Art. 19.34. OATH OF GRAND JURORS. When the  
15 grand jury is completed, . . . the following oath  
16 shall be administered by the court, or under its  
17 direction, to the jurors: "You solemnly swear that you  
18 will diligently inquire into, and true presentment  
19 make, of all such matters and things as shall be given  
20 you in charge; the State's counsel, your fellows and  
21 your own, you shall keep secret, unless required to  
22 disclose the same in the course of a judicial  
23 proceeding in which the truth or falsity of evidence  
24 given in the grand jury room, in a criminal case, shall  
25 be under investigation. You shall present no person  
26 from envy, hatred or malice; neither shall you leave  
27 any person unrepresented for love, fear, favor,  
28 affection or hope of reward; but you shall present  
29 things truly as they come to your knowledge, according  
30 to the best of your understanding, so help you God".

31 Revised Law

32 Art. 19A.203. FOREPERSON. (a) When the grand jury is  
33 completed, the court shall appoint one of the grand jurors as  
34 foreperson.

35 (b) If the foreperson is for any cause absent or unable or  
36 disqualified to act, the court shall appoint another grand juror as  
37 foreperson. (Code Crim. Proc., Arts. 19.34 (part), 19.39.)

38 Source Law

39 Art. 19.34. OATH OF GRAND JURORS. When the  
40 grand jury is completed, the court shall appoint one of  
41 the number foreman; and . . . .

42 Art. 19.39. ANOTHER FOREMAN APPOINTED. If the  
43 foreman of the grand jury is from any cause absent or  
44 unable or disqualified to act, the court shall appoint

1 in his place some other member of the body.

2 Revised Law

3 Art. 19A.204. COURT INSTRUCTIONS. The court shall instruct  
4 the grand jury regarding the grand jurors' duty. (Code Crim. Proc.,  
5 Art. 19.35.)

6 Source Law

7 Art. 19.35. TO INSTRUCT JURY. The court shall  
8 instruct the grand jury as to their duty.

9 SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

10 Revised Law

11 Art. 19A.251. QUORUM. Nine grand jurors constitute a  
12 quorum for the purpose of discharging a duty or exercising a right  
13 properly belonging to the grand jury. (Code Crim. Proc., Art.  
14 19.40.)

15 Source Law

16 Art. 19.40. QUORUM. Nine members shall be a  
17 quorum for the purpose of discharging any duty or  
18 exercising any right properly belonging to the grand  
19 jury.

20 Revised Law

21 Art. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF GRAND  
22 JUROR. (a) On learning that a grand juror has become disqualified  
23 or unavailable during the term of the grand jury, the attorney  
24 representing the state shall prepare an order for the court:

25 (1) identifying the disqualified or unavailable grand  
26 juror;

27 (2) stating the basis for the disqualification or  
28 unavailability;

29 (3) dismissing the disqualified or unavailable grand  
30 juror from the grand jury; and

31 (4) naming one of the alternate grand jurors as a  
32 member of the grand jury.

33 (b) The procedure established by this article may be used on  
34 disqualification or unavailability of a second or subsequent grand  
35 juror during the term of the grand jury.

36 (c) For purposes of this article, a grand juror is

1 unavailable if the grand juror is unable to participate fully in the  
2 duties of the grand jury because of:

- 3           (1) the death of the grand juror;  
4           (2) a physical or mental illness of the grand juror; or  
5           (3) any other reason the court determines constitutes  
6 good cause for dismissing the grand juror. (Code Crim. Proc., Art.  
7 19.26(b) (part).)

8                           Source Law

9           (b) . . . On learning that a grand juror has  
10 become disqualified or unavailable during the term of  
11 the grand jury, the attorney representing the state  
12 shall prepare an order for the court identifying the  
13 disqualified or unavailable juror, stating the basis  
14 for the disqualification or unavailability,  
15 dismissing the disqualified or unavailable juror from  
16 the grand jury, and naming one of the alternates as a  
17 member of the grand jury. The procedure established by  
18 this subsection may be used on disqualification or  
19 unavailability of a second or subsequent grand juror  
20 during the term of the grand jury. For purposes of  
21 this subsection, a juror is unavailable if the juror is  
22 unable to participate fully in the duties of the grand  
23 jury because of the death of the juror, a physical or  
24 mental illness of the juror, or any other reason the  
25 court determines constitutes good cause for dismissing  
26 the juror.

27                           Revisor's Note

28           (1) Article 19.26(b), Code of Criminal  
29 Procedure, refers to the procedure for dismissing a  
30 disqualified or unavailable grand juror "established  
31 by this subsection," meaning Article 19.26(b). The  
32 applicable provisions of Article 19.26(b)  
33 establishing the procedure for dismissing a  
34 disqualified or unavailable grand juror are revised as  
35 Article 19A.252 of this chapter, and the revised law is  
36 drafted accordingly.

37           (2) Article 19.26(b), Code of Criminal  
38 Procedure, describes when a grand juror is considered  
39 unavailable "[f]or purposes of this subsection,"  
40 meaning, for purposes of dismissing an unavailable  
41 grand juror, Article 19.26(b). The applicable  
42 provisions of Article 19.26(b) relating to dismissing

1 an unavailable grand juror are revised as Article  
2 19A.252 of this chapter, and the revised law is drafted  
3 accordingly.

4 Revised Law

5 Art. 19A.253. RECUSAL OF GRAND JUROR. (a) A grand juror  
6 who, during the course of the grand juror's service on the grand  
7 jury, determines that the grand juror could be subject to a valid  
8 challenge for cause under Article 19A.153, shall recuse himself or  
9 herself from grand jury service until the cause no longer exists.

10 (b) A grand juror who knowingly fails to recuse himself or  
11 herself under Subsection (a) may be held in contempt of court.

12 (c) A person authorized to be present in the grand jury room  
13 shall report a known violation of Subsection (a) to the court.

14 (d) The court shall instruct the grand jury regarding the  
15 duty imposed by this article. (Code Crim. Proc., Art. 19.315.)

16 Source Law

17 Art. 19.315. RECUSAL OF JUROR. (a) If, during  
18 the course of a juror's service on the grand jury, the  
19 juror determines that the juror could be subject to a  
20 valid challenge for cause under Article 19.31, the  
21 juror shall recuse himself or herself from grand jury  
22 service until the cause no longer exists. A person who  
23 knowingly fails to recuse himself or herself under  
24 this subsection may be held in contempt of court. A  
25 person authorized to be present in the grand jury room  
26 shall report a known violation of this subsection to  
27 the court.

28 (b) The court shall instruct the grand jury as  
29 to the duty imposed by Subsection (a).

30 Revised Law

31 Art. 19A.254. REASSEMBLY OF GRAND JURY. A grand jury  
32 discharged by the court for the term may be reassembled by the court  
33 at any time during the term. (Code Crim. Proc., Art. 19.41.)

34 Source Law

35 Art. 19.41. REASSEMBLED. A grand jury  
36 discharged by the court for the term may be reassembled  
37 by the court at any time during the term.

38 Revised Law

39 Art. 19A.255. EXTENSION OF TERM. (a) If, before the  
40 expiration of the term for which the grand jury was impaneled, the  
41 foreperson or a majority of the grand jurors declares in open court



1 that the grand jury's investigation of the matters before the grand  
2 jury cannot be concluded before the expiration of the term, the  
3 judge of the district court in which the grand jury was impaneled  
4 may, by an order entered on the minutes of the court, extend, from  
5 time to time, the period during which the grand jury serves, for the  
6 purpose of concluding the investigation of matters then before the  
7 grand jury.

8 (b) The extended period during which the grand jury serves  
9 under Subsection (a) may not exceed a total of 90 days after the  
10 expiration date of the term for which the grand jury was impaneled.

11 (c) All indictments pertaining to the investigation for  
12 which the extension was granted returned by the grand jury during  
13 the extended period are as valid as if returned before the  
14 expiration of the term. (Code Crim. Proc., Art. 19.07.)

15 Source Law

16 Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR  
17 WHICH GRAND JURORS SHALL SIT. If prior to the  
18 expiration of the term for which the grand jury was  
19 impaneled, it is made to appear by a declaration of the  
20 foreman or of a majority of the grand jurors in open  
21 court, that the investigation by the grand jury of the  
22 matters before it cannot be concluded before the  
23 expiration of the term, the judge of the district court  
24 in which said grand jury was impaneled may, by the  
25 entry of an order on the minutes of said court, extend,  
26 from time to time, for the purpose of concluding the  
27 investigation of matters then before it, the period  
28 during which said grand jury shall sit, for not to  
29 exceed a total of ninety days after the expiration of  
30 the term for which it was impaneled, and all  
31 indictments pertaining thereto returned by the grand  
32 jury within said extended period shall be as valid as  
33 if returned before the expiration of the term.

34 SUBCHAPTER G. BAILIFFS

35 Revised Law

36 Art. 19A.301. BAILIFFS APPOINTED; COMPENSATION. (a) The  
37 court and the district attorney may each appoint one or more  
38 bailiffs to attend to the grand jury.

39 (b) The court, or a person under the direction of the court,  
40 shall administer the following oath to each bailiff at the time of  
41 appointment: "You solemnly swear that you will faithfully and  
42 impartially perform all the duties of bailiff of the grand jury, and

1 that you will keep secret the proceedings of the grand jury, so help  
2 you God."

3 (c) Bailiffs appointed under this article shall be  
4 compensated in an amount set by the applicable county commissioners  
5 court. (Code Crim. Proc., Art. 19.36.)

6 Source Law

7 Art. 19.36. BAILIFFS APPOINTED. The court and  
8 the district attorney may each appoint one or more  
9 bailiffs to attend upon the grand jury, and at the time  
10 of appointment, the following oath shall be  
11 administered to each of them by the court, or under its  
12 direction: "You solemnly swear that you will  
13 faithfully and impartially perform all the duties of  
14 bailiff of the grand jury, and that you will keep  
15 secret the proceedings of the grand jury, so help you  
16 God". Such bailiffs shall be compensated in a sum to  
17 be set by the commissioners court of said county.

18 Revised Law

19 Art. 19A.302. BAILIFF'S DUTIES. (a) A bailiff shall:

- 20 (1) obey the instructions of the foreperson;  
21 (2) summon all witnesses; and  
22 (3) perform all duties the foreperson requires of the  
23 bailiff.

24 (b) One bailiff shall always be with the grand jury if two or  
25 more bailiffs are appointed. (Code Crim. Proc., Art. 19.37.)

26 Source Law

27 Art. 19.37. BAILIFF'S DUTIES. A bailiff is to  
28 obey the instructions of the foreman, to summon all  
29 witnesses, and generally, to perform all such duties  
30 as the foreman may require of him. One bailiff shall  
31 be always with the grand jury, if two or more are  
32 appointed.

33 Revised Law

34 Art. 19A.303. BAILIFF'S VIOLATION OF DUTY. (a) A bailiff  
35 may not:

- 36 (1) take part in the discussions or deliberations of  
37 the grand jury; or  
38 (2) be present when the grand jury is discussing or  
39 voting on a question.

40 (b) The grand jury shall report to the court any violation  
41 of duty by a bailiff. The court may punish the bailiff for the

1 violation as for contempt. (Code Crim. Proc., Art. 19.38.)

2 Source Law

3 Art. 19.38. BAILIFF VIOLATING DUTY. No bailiff  
4 shall take part in the discussions or deliberations of  
5 the grand jury nor be present when they are discussing  
6 or voting upon a question. The grand jury shall report  
7 to the court any violation of duty by a bailiff and the  
8 court may punish him for such violation as for  
9 contempt.